

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BENJAMIN SLOAN,	:	Case No. 1:04CV2402
	:	
Plaintiff,	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	<u>ORDER</u>
WILLIAM TANNER, WARDEN,	:	
	:	
Defendant.	:	

Petitioner, Benjamin Sloan, has not filed any objections to the Magistrate Judge's Report and Recommendation (Doc. 11), which the Court now adopts as its own. Based upon its own *de novo* review of the record, the Court reaches the same conclusions as the Magistrate Judge. Likewise, in his Response to the Report and Recommendation of Magistrate Judge (Doc. 15), Petitioner agrees with the Magistrate Judge's conclusions and recommendation. Accordingly, no further articulation of the Court's reasoning is required. *Tuggle v. Seabold*, 806 F.2d 87, 92-93 (6th Cir. 1986).

Accordingly, the Magistrate Judge's Report and Recommendation is ADOPTED, and the Petitioner's federal habeas corpus petition filed pursuant to 28 U.S.C. § 2254 petition is TRANSFERRED to the United States Court of Appeals for the Sixth Circuit.

Though likely irrelevant given the Petitioner's prayer that this case be transferred (Doc. 15), the Court certifies pursuant to 28 U.S.C. §1915(a) that an appeal *in forma pauperis* from this decision would be frivolous and could not be taken in good faith.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: December 9, 2005